

19 April 1982

MEMORANDUM FOR: Director of Central Intelligence
Deputy Director of Central Intelligence

VIA: Deputy Director for Intelligence
Director of Global Issues

FROM:
Chief, Geography Division, OGI

SUBJECT: National Security Council Meeting on the
Law of the Sea (LOS)

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1. Action Requested: Agency participation in a National Security Council meeting on Law of the Sea (LOS) which is to be held on 20 April 1982 at 1500 hours. The hastily called meeting has no advanced agenda, but will likely review the current status of the LOS negotiations in New York City and consider the various tactical options that might be taken.

*Cancelled
KIT*

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2. Background: Progress has been made at the Eleventh Session of the UN LOS Conference, which is in its seventh week. The US "book of amendments," designed to correct the faulty deep seabed provisions of the draft LOS Treaty text, were rejected by the developing nations, but a slate of compromise proposals, drafted by a Group of 11 mid-sized industrial nations has been agreed upon as the basis for continuing the negotiations. These proposals are currently being formally considered by the conference to determine whether they can be incorporated into the final treaty text. At this point these proposals improve the deep seabed provisions from a US viewpoint, but probably fall short of satisfying the six major deep seabed objectives as stated by the President in his 29 January 1982 policy statement on LOS.

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At the same time a number of non-seabed issues are being brought up by both developed and developing nations which could change some important parts of the treaty that are presently acceptable to the United States. Of specific concern is the effort to restrict movement of warships in foreign territorial seas. Western maritime nations and the Soviet-bloc are cooperating to head off this effort.

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The conference leadership will decide this week as to whether these last-minute proposed changes, both seabed and non-seabed, could form the possible basis of conference agreement. If they do, it will likely extend negotiating time beyond the planned 30 April closing date. If the changes do not form the basis for possible agreement the developing countries might push for finalization of the existing treaty, to which the United States could not be a party.

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3. Agency Positions: The decision to call an NSC meeting at this time is probably premature because the US negotiators do not yet know the nature of the Conference leadership's recommendations. Several departments, probably Interior and Treasury, are concerned by the flexible US approach adopted at the 5 April SIG meeting, and may evoke a showdown on the current US position. Some may be responding to political pressure to kill US participation in these negotiations while there is still time. ☐

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Defense would probably like to see the negotiations completed at this session, fearing that by allowing the Conference to drag on runs a risk of losing important navigational rights. ☐

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4. Recommendations: From our viewpoint it appears a bit early to withdraw from the negotiations. The G-77 exhibits willingness to continue negotiations on the deep seabed issues, increasing the possibility for the adoption of a comprehensive treaty that is minimally acceptable to the United States. ☐

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